

TM:NMA:NS
F. #2016R01322

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

UNITED STATES OF AMERICA

- against -

CARLOS RICHARD MARTINEZ,

Defendant.

----- X

THE GRAND JURY CHARGES:

INTRODUCTION TO ALL COUNTS

At all times relevant to this Indictment, unless otherwise indicated:

1. The defendant CARLOS RICHARD MARTINEZ was employed by the Federal Bureau of Prisons ("BOP") as a Lieutenant and was assigned to the Metropolitan Detention Center ("MDC"), a BOP facility, in Brooklyn, New York.

2. In or about and between December 2015 and April 2016, both dates being approximate and inclusive, Jane Doe, an individual whose identity is known to the Grand Jury, was incarcerated at the MDC as a sentenced federal prisoner.

COUNT ONE
(Deprivation of Civil Rights)

3. Paragraphs 1 and 2 are hereby realleged and incorporated by reference as though fully set forth in this paragraph.

4. On or about December 13, 2015, within the Eastern District of New York, the defendant CARLOS RICHARD MARTINEZ, while acting under color of the laws

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U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

INDICTMENT
CR 17

281

Cr. No. _____
(T. 18, U.S.C., §§ 242, 2241(a)(1),
2242(1), 2243(b) and 3551 et seq.)

COGAN, J.

MANN. M.J.

of the United States, did knowingly and willfully deprive Jane Doe of a right and privilege secured and protected by the Constitution and laws of the United States, to wit: the right to be free from cruel and unusual punishment, which includes the right to be free from aggravated sexual abuse by one acting under color of law, by causing Jane Doe to engage in a sexual act, as defined in Title 18, United States Code, Section 2246(2)(B), to wit: contact between the mouth and the penis, by using force against Jane Doe.

(Title 18, United States Code, Sections 242 and 3551 et seq.)

COUNT TWO
(Aggravated Sexual Abuse)

5. Paragraphs 1 and 2 are hereby realleged and incorporated by reference as though fully set forth in this paragraph.

6. On or about December 13, 2015, within the Eastern District of New York and in a Federal prison, to wit: the MDC, the defendant CARLOS RICHARD MARTINEZ did knowingly and intentionally cause Jane Doe to engage in a sexual act, as defined in Title 18, United States Code, Section 2246(2)(B), to wit: contact between the mouth and the penis, by using force against Jane Doe.

(Title 18, United States Code, Section 2241(a)(1) and 3551 et seq.)

COUNT THREE
(Sexual Abuse)

7. Paragraphs 1 and 2 are hereby realleged and incorporated by reference as though fully set forth in this paragraph.

8. On or about December 13, 2015, within the Eastern District of New York and in a Federal prison, to wit: the MDC, the defendant CARLOS RICHARD MARTINEZ, did knowingly and intentionally cause Jane Doe to engage in a sexual act, as

defined in Title 18, United States Code, Section 2246(2)(B), to wit: contact between the mouth and the penis, by threatening and placing Jane Doe in fear.

(Title 18, United States Code, Sections 2242(1) and 3551 et seq.)

COUNT FOUR
(Sexual Abuse of a Ward)

9. Paragraphs 1 and 2 are hereby realleged and incorporated by reference as though fully set forth in this paragraph.

10. On or about December 13, 2015, within the Eastern District of New York, the defendant CARLOS RICHARD MARTINEZ did knowingly and intentionally engage in a sexual act, as defined in Title 18, United States Code, Section 2246(2)(B), to wit: contact between the mouth and the penis, with Jane Doe, who was in official detention at a Federal prison, to wit: the MDC, and who was under the defendant's custodial, supervisory and disciplinary authority.

(Title 18, United States Code, Sections 2243(b) and 3551 et seq.)

COUNT FIVE
(Deprivation of Civil Rights)

11. Paragraphs 1 and 2 are hereby realleged and incorporated by reference as though fully set forth in this paragraph.

12. On or about December 13, 2015, within the Eastern District of New York, the defendant CARLOS RICHARD MARTINEZ, while acting under color of the laws of the United States, did knowingly and willfully deprive Jane Doe of a right and privilege secured and protected by the Constitution and laws of the United States, to wit: the right to be free from cruel and unusual punishment, which includes the right to be free from aggravated sexual abuse by one acting under color of law, by causing Jane Doe to engage in

a sexual act, as defined in Title 18, United States Code, Section 2246(2)(A), to wit: contact between the penis and the vulva, by using force against Jane Doe.

(Title 18, United States Code, Sections 242 and 3551 et seq.)

COUNT SIX
(Aggravated Sexual Abuse)

13. Paragraphs 1 and 2 are hereby realleged and incorporated by reference as though fully set forth in this paragraph.

14. On or about December 13, 2015, within the Eastern District of New York and in a Federal prison, to wit: the MDC, the defendant CARLOS RICHARD MARTINEZ did knowingly and intentionally cause Jane Doe to engage in a sexual act, as defined in Title 18, United States Code, Section 2246(2)(A), to wit: contact between the penis and the vulva, by using force against Jane Doe.

(Title 18, United States Code, Sections 2241(a)(1) and 3551 et seq.)

COUNT SEVEN
(Sexual Abuse)

15. Paragraphs 1 and 2 are hereby realleged and incorporated by reference as though fully set forth in this paragraph.

16. On or about December 13, 2015, within the Eastern District of New York and in a Federal prison, to wit: the MDC, the defendant CARLOS RICHARD MARTINEZ did knowingly and intentionally cause Jane Doe to engage in a sexual act, as defined in Title 18, United States Code, Section 2246(2)(A), to wit: contact between the penis and the vulva, by threatening and placing Jane Doe in fear.

(Title 18, United States Code, Sections 2242(1) and 3551 et seq.)

COUNT EIGHT
(Sexual Abuse of a Ward)

17. Paragraphs 1 and 2 are hereby realleged and incorporated by reference as though fully set forth in this paragraph.

18. On or about December 13, 2015, within the Eastern District of New York, the defendant CARLOS RICHARD MARTINEZ did knowingly and intentionally engage in a sexual act, as defined in Title 18, United States Code, Section 2246(2)(A), to wit: contact between the penis and the vulva, with Jane Doe, who was in official detention at a Federal prison, to wit: the MDC, and who was under the defendant's custodial, supervisory and disciplinary authority.

(Title 18, United States Code, Sections 2243(b) and 3551 et seq.)

COUNT NINE
(Deprivation of Civil Rights)

19. Paragraphs 1 and 2 are hereby realleged and incorporated by reference as though fully set forth in this paragraph.

20. In or about and between December 2015 and February 2016, both dates being approximate and inclusive, within the Eastern District of New York, the defendant CARLOS RICHARD MARTINEZ, while acting under color of the laws of the United States, did knowingly and willfully deprive Jane Doe of a right and privilege secured and protected by the Constitution and laws of the United States, to wit: the right to be free from cruel and unusual punishment, which includes the right to be free from aggravated sexual abuse by one acting under color of law, by causing Jane Doe to engage in a sexual act, as defined in Title

18, United States Code, Section 2246(2)(A), to wit: contact between the penis and the vulva, by using force against Jane Doe.

(Title 18, United States Code, Sections 242 and 3551 et seq.)

COUNT TEN
(Aggravated Sexual Abuse)

21. Paragraphs 1 and 2 are hereby realleged and incorporated by reference as though fully set forth in this paragraph.

22. In or about and between December 2015 and February 2016, both dates being approximate and inclusive, within the Eastern District of New York and in a Federal prison, to wit: the MDC, the defendant CARLOS RICHARD MARTINEZ did knowingly and intentionally cause Jane Doe to engage in a sexual act, as defined in Title 18, United States Code, Section 2246(2)(A), to wit: contact between the penis and the vulva, by using force against Jane Doe.

(Title 18, United States Code, Sections 2241(a)(1) and 3551 et seq.)

COUNT ELEVEN
(Sexual Abuse)

23. Paragraphs 1 and 2 are hereby realleged and incorporated by reference as though fully set forth in this paragraph.

24. In or about and between December 2015 and February 2016, both dates being approximate and inclusive, within the Eastern District of New York and in a Federal prison, to wit: the MDC, the defendant CARLOS RICHARD MARTINEZ did knowingly and intentionally cause Jane Doe to engage in a sexual act, as defined by Title 18, United

States Code, Section 2246(2)(A), to wit: contact between the penis and the vulva, by threatening and placing Jane Doe in fear.

(Title 18, United States Code, Sections 2242(1) and 3551 et seq.)

COUNT TWELVE
(Sexual Abuse of a Ward)

25. Paragraphs 1 and 2 are hereby realleged and incorporated by reference as though fully set forth in this paragraph.

26. In or about and between December 2015 and February 2016, both dates being approximate and inclusive, within the Eastern District of New York, the defendant CARLOS RICHARD MARTINEZ did knowingly and intentionally engage in a sexual act, as defined in Title 18, United States Code, Section 2246(2)(A), to wit: contact between the penis and the vulva, with Jane Doe, who was in official detention at a Federal prison, to wit: the MDC, and who was under the defendant's custodial, supervisory and disciplinary authority.

(Title 18, United States Code, Sections 2243(b) and 3551 et seq.)

COUNT THIRTEEN
(Deprivation of Civil Rights)

27. Paragraphs 1 and 2 are hereby realleged and incorporated by reference as though fully set forth in this paragraph.

28. In or about January 2016, within the Eastern District of New York, the defendant CARLOS RICHARD MARTINEZ, while acting under color of the laws of the United States, did knowingly and willfully deprive Jane Doe of a right and privilege secured and protected by the Constitution and laws of the United States, to wit: the right to be free from cruel and unusual punishment, which includes the right to be free from aggravated

sexual abuse by one acting under color of law, by causing Jane Doe to engage in a sexual act, as defined in Title 18, United States Code, Section 2246(2)(A), to wit: contact between the penis and the vulva, by using force against Jane Doe.

(Title 18, United States Code, Sections 242 and 3551 et seq.)

COUNT FOURTEEN
(Aggravated Sexual Abuse)

29. Paragraphs 1 and 2 are hereby realleged and incorporated by reference as though fully set forth in this paragraph.

30. In or about January 2016, within the Eastern District of New York and in a Federal prison, to wit: the MDC, the defendant CARLOS RICHARD MARTINEZ did knowingly and intentionally cause Jane Doe to engage in a sexual act, as defined in Title 18, United States Code, Section 2246(2)(A), to wit: contact between the penis and the vulva, by using force against Jane Doe.

(Title 18, United States Code, Sections 2241(a)(1) and 3551 et seq.)

COUNT FIFTEEN
(Sexual Abuse)

31. Paragraphs 1 and 2 are hereby realleged and incorporated by reference as though fully set forth in this paragraph.

32. In or about January 2016, within the Eastern District of New York and in a Federal prison, to wit: the MDC, the defendant CARLOS RICHARD MARTINEZ did knowingly and intentionally cause Jane Doe to engage in a sexual act, as defined in Title 18, United States Code, Section 2246(2)(A), to wit: contact between the penis and the vulva, by threatening and placing Jane Doe in fear.

(Title 18, United States Code, Sections 2242(1) and 3551 et seq.)

COUNT SIXTEEN
(Sexual Abuse of a Ward)

33. Paragraphs 1 and 2 are hereby realleged and incorporated by reference as though fully set forth in this paragraph.

34. In or about January 2016, within the Eastern District of New York, the defendant CARLOS RICHARD MARTINEZ did knowingly and intentionally engage in a sexual act, as defined in Title 18, United States Code, Section 2246(2)(A), to wit: contact between the penis and the vulva, with Jane Doe, who was in official detention at a Federal prison, to wit: the MDC, and who was under the defendant's custodial, supervisory and disciplinary authority.

(Title 18, United States Code, Sections 2243(b) and 3551 et seq.)

COUNT SEVENTEEN
(Deprivation of Civil Rights)

35. Paragraphs 1 and 2 are hereby realleged and incorporated by reference as though fully set forth in this paragraph.

36. In or about April 2016, within the Eastern District of New York, the defendant CARLOS RICHARD MARTINEZ, while acting under color of the laws of the United States, did knowingly and willfully deprive Jane Doe of a right and privilege secured and protected by the Constitution and laws of the United States, to wit: the right to be free from cruel and unusual punishment, which includes the right to be free from aggravated sexual abuse by one acting under color of law, by causing Jane Doe to engage in a sexual act, as defined in Title 18, United States Code, Section 2246(2)(A), to wit: contact between the penis and the vulva, by using force against Jane Doe.

(Title 18, United States Code, Sections 242 and 3551 et seq.)

COUNT EIGHTEEN
(Aggravated Sexual Abuse)

37. Paragraphs 1 and 2 are hereby realleged and incorporated by reference as though fully set forth in this paragraph.

38. In or about April 2016, within the Eastern District of New York and in a Federal prison, to wit: the MDC, the defendant CARLOS RICHARD MARTINEZ did knowingly and intentionally cause Jane Doe to engage in a sexual act, as defined by Title 18, United States Code, Section 2246(2)(A), to wit: contact between the penis and the vulva, by using force against Jane Doe.

(Title 18, United States Code, Sections 2241(a)(1) and 3551 et seq.)

COUNT NINETEEN
(Sexual Abuse)

39. Paragraphs 1 and 2 are hereby realleged and incorporated by reference as though fully set forth in this paragraph.

40. In or about April 2016, within the Eastern District of New York and in a Federal prison, to wit: the MDC, the defendant CARLOS RICHARD MARTINEZ did knowingly and intentionally cause Jane Doe to engage in a sexual act, as defined by Title 18, United States Code, Section 2246(2)(A), to wit: contact between the penis and the vulva, by threatening and placing Jane Doe in fear.

(Title 18, United States Code, Sections 2242(1) and 3551 et seq.)

COUNT TWENTY
(Sexual Abuse of a Ward)

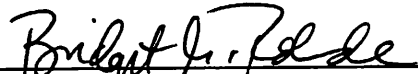
41. Paragraphs 1 and 2 are hereby realleged and incorporated by reference as though fully set forth in this paragraph.

42. In or about April 2016, within the Eastern District of New York, the defendant CARLOS RICHARD MARTINEZ did knowingly and intentionally engage in a sexual act, as defined in Title 18, United States Code, Section 2246(2)(A), to wit: contact between the penis and the vulva, with Jane Doe, who was in official detention at a Federal prison, to wit: the MDC, and who was under the defendant's custodial, supervisory and disciplinary authority.

(Title 18, United States Code, Sections 2243(b) and 3551 et seq.)

A TRUE BILL

FOREPERSON


BRIDGET M. ROHDE
ACTING UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F. # 2016R01322
FORM DBD-34
JUN. 85

No. _____

UNITED STATES DISTRICT COURT

EASTERN District of NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

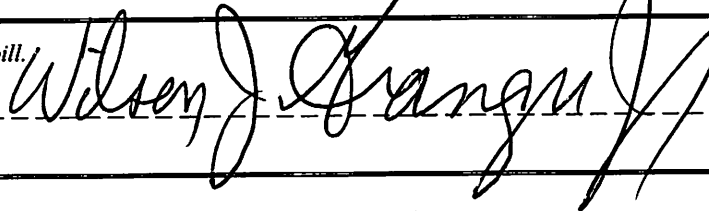
CARLOS RICHARD MARTINEZ,

Defendant.

INDICTMENT

(T. 18, U.S.C., §§ 2241(a)(1), 2242(1), 2243(b) and 3551 et seq.)

A true bill.



Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Nadia I. Shihata, Assistant U.S. Attorney (718) 254-6295